

No. 569795-II

COURT OF APPEALS  
DIVISION II  
OF THE STATE OF WASHINGTON

CURTIS WRIGHT, APPEALANT

V.

PIERCE COUNTY RISK MANAGEMENT,  
TACOMA, WA, RESONDENT

**REPLY BRIEF OF APPELLANT**

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Las Vegas, NV 89107

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1 IN THE COURT OF APPEALS,  
2 DIVISION II  
3 OF THE STATE OF WASHINGTON  
4

5 Curtis Wright, ) No. 56979-5-II  
6 Appellant, )  
7 V. ) REPLY BREIF OF  
8 Pierce County Risk Management, ) APPELLANT  
9 Respondent. )  
10

11 **I. ARGUMENT IN REPLY:**

12 (Note: A list of **acronyms** used for this and my previous Brief is listed at  
13 the end of this narrative.)

14 The BIIA Court Judge for this case, as well a case currently before The BIIA  
15 Court was Judge Leslie Birnbaum. I also refer to her in this Brief as Her  
16 Honor.

1 The Appellant is 60 years old and worked 26 years in law enforcement for The  
2 Pierce County Sheriff's Department with the last eight years as a Sheriff's  
3 Detective. Regarding the injured workers laws and Washington State Labor and  
4 Industries (L&I) , I have never seen so much lying, corruption, the repeatedly  
5 failure of compliance with Washingtons State laws, outright Medicare Fraud, and  
6 Pierce County providing false information to Washington State Labor and  
7 Industries. The outright disregard for any lawful standard is shocking because, at  
8 some level of the process, one would think Washington State would actually  
9 require the compliance with their own laws.

10  
11 Washington State's Labor and Industries was sent most of this information of  
12  
13 Fraud and I know they received it because they replied to my email. I later  
14  
15 requested any notes or reports from my complaint and Washington State sent me a  
16  
17 letter stating, they do not have a single note or report on my complaints. **RCW**  
18  
19 **51.04.024 - Establishment of investigation unit** from 2008 notes Washington  
20  
21 State's commitment to fighting Employer fraud, but I not seen any actions from  
22  
23 Washington State to deal with the repeated fraud by Pierce County. Over and over

1  
2 again, I have informed Washington State of the fraud including L&I, The BIIA  
3  
4 Court, The Washington State Attorney General's Office, other Washington State  
5  
6 Agencies, including this Court and I have not seen anything done about this well-  
7  
8 panned, repeated fraud by Pierce County.

9  
10  
11 The lack of investigation into Employer Fraud appears to be in conflict with  
12  
13 The Director of Labor and Industries desire to keep cost down for employers.  
14  
15 From the top down, Washington State shows unvarnished bias in favor of The  
16  
17 Employers and does not even try to hide it. This is encouraged by the biography of  
18  
19 Director Joes Sacks where online I found on Washington State's website:

20  
21 **In Joel's times L&I director, long-term disability rates for injured**  
22  
23 **workers have been reduced by more than 20 percent.**  
24

25 The BIIA Judge for this case, made two significant errors in her Order  
26 regarding this case as I will describe below, see E1 and E2. The same Judge has  
27 also made numerous other errors in a another case Her Honor presided over. These  
28 other mistakes are documented in section E (with transcripts) and Her Honor also

1 sounded intoxicated during a Telephonic Hearing at 3:00 PM when Her Honor  
2 sounded like she was at home.

3 Her Honor has made significant errors regarding Court Rules that I have  
4 documentation of in the form of transcripts (attached Exhibits). Her Honor seems  
5 to not care anything about providing me with simple rights that are clearly written  
6 in Court Rules. These Court Rule violations have occurred even when I have  
7 brought up to Her Honor and she had opportunities to not violate Washington State  
8 Court Rules. Her Honor seems to care less about violating the Court Rules. On  
9 one occasion, Her Honor dismisses my concerns by noting there had been previous  
10 delays in the case (noted by Her Honor in the transcript provided – see **Revised**  
11 **Exhibit #3**, page 4 of 4, or page 7 of that days' Transcript, line 17). Her Honor  
12 knows, or should know if she read the 2012 Court Order from Her Court (see **CP**  
13 **136-144 for this Court case she Presided over**) that I have issues with PTSD.  
14 Her Honor was also asked to provided me with some allowances per my ADA  
15 request to The BIIA Court. Her Honor mentions making some ADA allowances  
16 on the record, but then on the other hand, has repeatedly ignored times allowances  
17 that are supposed to be granted per Court Rules. This is even more frustrating  
18 when I have pointed this out and Her Honor has repeatedly done nothing, but to  
19 continue to violating the Court Rules.



1       **A.     This claim is unique due to the 2012 Court Order that states I**  
2               **have Post Traumatic Stress Disorder (PTSD) (A1), the 2018**  
3               **change in Washington State law(A2), and the new exposure came**  
4               **from The Employer, Pierce County (A3).**

5       This Claim is unique for several reasons and is a very simple claim. I put in  
6       for a PTSD Claim in 2011 and in 2012, the BIIA Court denied my claim, but noted  
7       in the FINDING OF FACTS that I have multiple exposure PTSD due to my work  
8       (mainly as a Sheriff Detective). See **CP 136-144** for a copy of this Court Order.

9       Effective June 7<sup>th</sup>, 2018, the Washington State Legislature amended RCW  
10      51.08.142 to allow multiple exposure PTSD for first responders as an Occupational  
11      Disease. The Court has ignored the will of Washington State's Legislature to  
12      provide this benefit for first responders that include law enforcement Officers. My  
13      previous 2012 PTSD case noted I had multiple exposure PTSD (which was not a  
14      valid claim until Washington State changed this RCW in 2018.

15  
16      I know new laws are prospective as is documented in a PTSD case:

17      **GARY A. YETTER** - Docket No. **1911900**

18      <http://www.bia.wa.gov/SDPDF/1911900.pdf>

1       The *Yetter* case was denied **but this case is much different** in that a not  
2 only did a 2012 BIIA Court Order, in the **FININDS OF FACTS** note that I have  
3 PTSD caused by my work as a Sheriff's Detective, but **also just as important, the**  
4 **2018 changes in Washington State PTSD law, and the new exposure** caused by  
5 my work as a Sheriff's Detective.

6       This new exposure had significant effects on my life, especially my wife  
7 who moved out of our bedroom because I had hit her on three occasions due to  
8 PTSD nightmares. I agree that if these three things were not true, I would not have  
9 a claim. The *Yetter* case also deals with the time-frame after the change in the law  
10 from 2018. My case differs from the *Yetter* case in that there is a BIIA Court  
11 Order that notes I have multiple exposure PTSD that even notes in the FINDINGS  
12 OF FACTS (see **CP 143** for the FINDINGS OF FACTS portion of this Order) that  
13 it was caused by my work as a Sheriff's Detective. Further, I have a direct new  
14 exposure that came from Pierce County. A doctor's FORENSIC PSYCHIATRIC  
15 REPORT confirms, and explains the new exposure, caused by Pierce County, for  
16 this Report see **CP 181-186**.

17       **B. Current law should apply to this new claim and not the law from**  
18       **2012.**  
19

1 In Pierce County's Response Brief, they argue that I am requesting a re-injury of a  
2 2012 injury that did not exist as an injury. The Employer, nor Washington State,  
3 has recognized the Legislature's 2012 in Washington State law as noted in A above  
4 as well as the new injury (from the new exposure). I do agree that is both of these  
5 things did not happen, I would not have a valid case, but even then,

6 Washington State's policy of, Application of the Doctrine of Res Judicata to  
7 Department Orders, see CP 230-241 would need to be applied.

8 The Employer states I am requesting a claim from 2012 which is not the  
9 case. I am making a claim based on a new injury, a new exposure. The Employer  
10 wants Washington State to apply the 2012 Washington State law to my current  
11 claim.

12 **C. Pierce County should be prohibited from making medical**  
13 **statements about this new claim because neither Pierce County, nor**  
14 **Washington State, did an Independent Medical Exam (IME).**  
15

16 The attorney/attorneys for Pierce County are making medical facts about this  
17 case when they failed to do an IME. They can surely argue that this is a duplicate  
18 claim, but must refrain from making any medical statements that this is not a new

1 injury. A new injury is supported by Dr. Gregory P Brown's Dr. Brown's  
2 FORENSIC PHYSITRIC REPORT, CP 181-186. Pierce County has no medical  
3 evidence that this is **not** a new claim.

4 Just like the denial in the above mentioned *Yetter* case (which is also a  
5 PTSD case), the law is prospective and looks forward. I agree I would not have a  
6 case if I was not for the new exposure from The Employer, Pierce County.

7 As detailed in my first Brief to this Court, in 2018, The Washington State  
8 Legislature change the law allowing multiple exposure PTSD as a valid claim. I  
9 was new exposure due to my work and The Employer is responsible for this  
10 exposure even if it is outside the time of employment (RCW 51.08.013 – see CP  
11 348 for a copy of this RCW) Actin in the Course of Employment, “means the  
12 worker acting at his or her employer’s direction or in the furtherance of his or her  
13 or employer’s business.” Pierce County appears to be stating that I did not provide  
14 evidence that this Subpoena (see CP 163-165) came from my employer, the Pierce  
15 County Sheriff’s Department and this is simply not born our by the facts. I  
16 provided an copy of the envelop that the Subpoena came which is from the Pierce  
17 County Sheriff’s Department, see CP 163-165.

1           **D.    The well-planned massive amount of Fraud by Pierce County**  
2                           **should be investigated.**

3           As documented in my previous Brief, Pierce County has not only committed  
4 a large amount of fraud, they continue to refuse to provide FOIA documents  
5 regarding my statements I think there is fraudulent billing by Mr. Wallace. This is  
6 strengthened by Pierce County's refusal to provide these documents even though I  
7 have requested them numerous times. I provided numerous examples like this of  
8 fraud to Washington State and they have done nothing. I request an investigation  
9 into this fraud and as to why these things were allowed to happened.

10           I was informed by Pierce County that Mr. Wallace's Law Firm was paid  
11 over \$2.3 Million dollars from 2010 to 2020. Not only is Pierce County refusing  
12 to release the information I requested about Mr. Wallace's billing regarding what I  
13 suspected has some fraud involved, Pierce County has also refused to comply with  
14 FOIA requests regarding the total amount of taxpayer dollars Mr. Wallace's Law  
15 Firm has been paid. This must amount to 3 to 5 million dollars of taxpayer money  
16 that has been used by a Law Firm that is not complying with Washington State  
17 laws.

1           **E. Numerous mistakes by Judge Leslie Birnbaum. RCW's and Court**  
2  
3           **Rules were simply not followed. Judge Leslie Birnbaum, who**  
4  
5           **recently separated employment with The BIIA Court, sounded**  
6  
7           **intoxicated during a Telephonic Hearing.**  
8  
9

10           The BIIA Judge that decided this case has made several significant mistakes  
11 that are documented. I will document these starting with E1, through E 8. **Two of**  
12 **these mistakes are from her Order regarding this case (E1 and E2 directly**  
13 **below).**

14           **E1) As explained in my previous Brief, The Judge mis-interpreted what**  
15 **I had clearly written regarding the *Perez-Rodrigues* case. In the *Jorge C***  
16 ***Perez-Rodrigues* case it documents Washington State's obligation to follow**  
17 **Washington State's policy of, Application of the Doctrine of Res Judicata to a**  
18 **Department Orders, CP 230-241. Judge Leslie Birnbaum incorrectly compared**  
19 **my case to the *Jorge C Perez-Rodrigues* case, when I was comparing my case to**  
20 **this Doctrine. I can see that this would be easy mistake to make, but the other**  
21 **mistake in Her Honor's Order does not even make sense to me at all.**

1 I will make my argument for my case to heard regarding Washington State's  
2 Policy of Application of the Doctrine of Res Judicata to a Department Orders (CP  
3 230-241) under item G below.

4  
5 **E2) Incorrect interpretation of an RCW by the Judge.** Page 9 of my  
6 first Brief details this mistake and notes this for hiring of **as a condition of**  
7 **employment with copies from the RCW.** Judge Leslie Birnbaum's error is  
8 documented in **CP 94, starting at line 19.** Pierce County repeating this in their  
9 Response Brief and simply repeating things that is not true, does not make them  
10 true. Furthermore, I provide a copy in my first Brief that shows L&I's Policy is  
11 that injured workers can get care near where they live:

12 Pursuant to Department of Labor & Industries Policy 13.05 (effective

13 January 1, 2021), The IME examination must be scheduled "at a time and

14 place reasonably convenient to the worker." Reasonably convenient means

15 "a Location where the resident with the workers' community (county) would

16 Normally travel for similar care.



1 Still the Employer in their Response Brief ignores what is actually written in the  
2 RCW, and also ignores the L&I Policy that I have submitted, continuing to provide  
3 false statements to this Court.

4 **NOTE – REGARDING Exhibit #4** (was attached to last Brief and is also  
5 attached to this Reply Brief):

6 Exhibit #4 was attached to my last Brief, but I am noting not referring to Exhibit  
7 #4 in the narrative, except for this paragraph noting I forgot to address it in my last  
8 Brief. Exhibit #4 are two Transcript pages and emails that show one day to  
9 prepare for Trial (from Pierce County).

10  
11 **E3) Judge Leslie Birnbaum forgot to schedule The Employer's**  
12 **Summary Judgement Hearing so a revised Litigation Order(s) were done.**

13 The Employer, Pierce County, wrote a letter to The BIIA Court, for the case  
14 Currently before The BIIA Court, that Judge Leslie Birnbaum forgot to schedule  
15 their request for Summary Judgement. For a copy of the Litigation Order, the  
16 Amended Litigation Order, the Second Amended Litigation Order, and the Third  
17 Amended Litigation Order, see **Exhibit #5**.



1  
2       **E4) Judge Leslie Birnbaum dismissed this entire case, citing CR 56 (see**  
3 **CP 28-29 for a copy of this CR) because Her Honor stated I did not follow CR**  
4 **56, while in my current case Her Honor violated CR 56 and would not correct**  
5 **it, even when I pointed it out (repeatedly).** Exhibit #1 is an email that The  
6 Employer does not want admitted in that it documents that I was only provided 26  
7 hours of time for reviewing The Employer's Motion for Summary Judgement and  
8 this is a violation of the time needed per CR 56. I also provided Exhibit #2 which  
9 is The Employer's Motion for Summary Judgement envelop with the Postmark  
10 which provides additional regarding me NOT receiving The Employer's  
11 paperwork five days before the Hearing as is required by CR 56.

12       I am including in the Appendix, **Revised Exhibit #3** which documents, with  
13 a partial Transcript, my complaints to the Judge Leslie Birnbaum regarding her  
14 violating CR 56 (**see CP 28-29** for a copy of this CR). The Revision includes page  
15 7 of the Transcript (which is page 4 of 4 four Revised Exhibit #3) and I have  
16 underlined where Judge Leslie Birnbaum notes a number of continuances which is  
17 her apparent justification for violating CR 56 for that case which is still before  
18 Judge Leslie Birnbaum in the BIIA Court.

1  
2       **E5) Judge Leslie Birnbaum forgot to allow me to respond as she said I**  
3 **would.**

4       On a Telephonic Hearing on November 15<sup>th</sup>, 2021, Judge Leslie Birnbaum  
5 noted I would state my case, Pierce County would speak, and then I would be  
6 granted a short response. See **Exhibit #6** is a copy of a Transcript from November  
7 15<sup>th</sup>, 2021 that notes Judge Leslie Birnbaum forgot to allow me to Reply to The  
8 Employer as she said I would be allowed to do.

9       See Exhibit #7: which is a Transcript from a Telephonic Hearing on  
10 February 27<sup>th</sup>, 2023, where Judge Leslie Birnbaum heard an objection from Pierce  
11 County, heard from The Assistant Attorney General James Johnson, then ruled  
12 without letting me reply in any way.  
13  
14  
15  
16  
17  
18

19       **E6) Judge Leslie Birnbaum referred to me as “Mr. Curtis,” instead of**  
20 **Mr. Wright.** My name is Curtis Wright.  
21

22       See **Exhibit #8** which is a Transcript from a Telephonic Hearing on  
23 November 15<sup>th</sup>, 2021 where Judge Leslie Birnbaum refers to me as, “Mr. Curtis,”  
24 instead of Mr. Wright.  
25  
26  
27  
28

1  
2 **E7) Three pages of the Transcript from February 10<sup>th</sup>, 2022, that**  
3  
4 **shows Judge Leslie Birnbaum had a policy (different from a**  
5  
6 **previous Judge) that only a Medical Doctor could introduce medical**  
7  
8 **records and Her Honor wanted me to present my injury case before**  
9  
10 **any medical documents were introduced. AAG James Johnson later**  
11  
12 **agreed with me and this was reversed.**  
13  
14  
15

16 I tried to explain to Judge Leslie Birnbaum that her policy of forcing  
17  
18 me to testify about a worker's injury case before any medical records  
19  
20 would be introduced is not fair, nor possible. How could I refer to any  
21  
22 Exhibits that prove I went to see a doctor? I could NOT refer to  
23  
24 any Exhibits. For example, I went to a medical doctor and I was told the  
25  
26 following.... How could I move forward with a medical claim when I  
27  
28 could not refer to my medical documents? This is a prime example of  
29  
30 complete lack of Fundamental Fairness and Equitable Concerns, in that  
31  
32 there would be no reason, except to punish me, for Her Honor to force  
33  
34 me to Testify about a medical claim before medical Exhibits would be  
35  
36 allowed.  
37

38 This hardline stance by Judge Leslie Birnbaum did not make sense

1 and one can see this is a decision that is far outside the norm for  
2  
3 fairness/equitability. I am surprised it took AAG James Johnson so long  
4  
5 to realize what was happening, and later agreeing with me.  
6  
7 See Exhibit #9 for these three pages of the Transcript.  
8  
9

10  
11  
12 **E8) Mistake/Likely Intoxication of Judge from February 10<sup>th</sup>, 2022.**  
13

14 As noted in detail in my initial Brief to this Court, Judge Leslie Birnbaum sounded  
15  
16 Intoxicated on the Telephonic Hearing on February 10<sup>th</sup>, 2022. Pierce County said  
17  
18 There was no proof of that. I am enclosing the first page of the Transcript where  
19  
20 Judge Leslie Birnbaum dropped the two letters from the claim number for this case.  
21  
22 I had never heard anyone do this prior to this happening and I have been dealing  
23  
24 with L&I as well as the BIIA Court four about four years. See **Exhibit #10** for this  
25  
26 Transcript.  
27  
28  
29

30 **Summary of mistakes by Judge Leslie Birnbaum:**  
31

32 With Judge Leslie Birnbaum sounding intoxicated, which is detailed in my  
33  
34 first Brief to this Court, and these numerous errors I have documented with  
Transcripts, it is obvious this Judge has shown not only extreme bias in favor of

1 The Employer, even when I have repeatedly tried, in my pleas to Her Honor, to  
2 provided me with proper time that is supposed to be granted per Washington State  
3 Court Rules, Her Honor has shown there is something wrong with her. These  
4 mistakes, specifically when pointed out she was not following Court Rules is  
5 completely against Fundamental Fairness and Equitable concerns.

6 Judge Leslie Birnbaum was repeatedly dismissive of me numerous  
7 times, often acting in ways like I was not even there. This is supported  
8 by the numerous errors listed here where I am treated extremely  
9 differently that the Counsel for Pierce County.

10 This Court should not allow this to happen. Even Illegal Aliens are allowed  
11 to have the rights of Washington State Citizens. These errors by Judge Leslie  
12 Birnbaum, in every error that I can think of, favor and give Pierce County a huge  
13 legal advantage. This is especially concerning when Judge Leslie Birnbaum knew,  
14 and had even experienced times when I was having functioning problem due to  
15 PTSD which I told her, on more than one occasion. For one example, **see Exhibit**  
16 **#9, page 3, line 17.** Judge Leslie Birnbaum was contacted by The ADA coordinator  
17 to make some allowances for my PTSD, but at times Her Honor would not even  
18 allow the minimum required by Court Rules for me to review items. The prime  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

1 example would the violation of CR 56 (see **CP 28-29** for a copy of this CR) when I  
2 was given about 26 hours to review

3  
4 paperwork from Pierce County. Her Honor knew about this and still proceed, even  
5  
6 though I only had 26 hours to review Pierce County's paperwork which is a violation  
7  
8 under CR 56 (for the case currently still with The BIIA Court). See **CP 28-29** for a  
9  
10 copy of this CR.

11  
12 In contrast with this case, Judge Leslie Birnbaum dismissed this case citing  
13  
14 CR 56 (see CP 28-29 for a copy of this CR), because my IME doctor did not have  
15  
16 declaration language in his IME Report (which was added (see **CP 23** for Dr.  
17  
18 Brown's Declaration) before my Appeal to the three person BIIA and Pierce County  
19  
20 Superior Court).

21  
22  
23 **F) Numerous incorrect Statements in Pierce County's Response Brief.**

24 There are so many incorrect statements in Pierce County's Response, it is  
25  
26 hard to cover them all. Pierce County states in their Response Brief that I not  
27  
28 bring up numerous issues when I appealed to the Three-person BIIA Court as well  
29  
as Pierce County Superior Court. This is simply not true. As usual, the counsel  
for Pierce County is allowed to state things that are false and Washington State  
does not hold them accountable, apparently in trying to keep injured workers

1 claims down by not following Washington State law and allowing attorneys for  
2 The Employers to have no reason to abide by the law.

3 Pierce County claims I provide no proof that Judge Leslie Birnbaum was  
4 intoxicated, when it is noted in the Transcript that Her Honor dropped to letters  
5 from the Claim Number, which I have yet to hear anyone else do this in the four or  
6 so years dealing with L&I and The BIIA Court. See E8 where I refer to Exhibit  
7 #10 for the documentation of this error by Judge Leslie Birnbaum. The numerous  
8 errors by Judge Leslie Birnbaum, even though, I know she is getting help from  
9 another Judge (reviewing her work per an email I obtained from a FOIA request),  
10 Her Honor is making many more mistakes than any Judge I have ever seen, or even  
11 heard about. My complaints to The BIIA Court about Judge Leslie Birnbaum have  
12 accomplished nothing that I can see and as time goes on, Her Honor continues to  
13 make more mistake as is documented in section E above.

14 In Pierce County's Response Brief, page 36, notes I provide no proof that  
15 that I was only provided about 26 hours of notice. Response is a complete lie. I  
16 provided a Postmarked Mail from their Law office and an email from the BIIA  
17 Court (when I received The Employer's copy. Emails to and from The BIIA Court  
18 confirm this 26 hour time period. The Transcripts also document that this occurred  
19 and Judge Leslie Birnbaum ordered that we were moving forward with The



1 Hearing which clearly documents Judge Leslie Birnbaum violated CR 56 (see CP  
2 28-29 for a copy of this CR), even when told about by me, she would not allow me  
3 more time, which she could have easily done.  
4

5 **G) Washington State has never followed Washington State's policy**  
6 **of, Application of the Doctrine of Res Judicata to a Department**  
7 **Orders, CP 230-241.**  
8

9 The proper application of this Doctrine is needed where there is a **unique case**  
10 with hardly any past reference material may become a President. This new claim  
11 is unique for three reasons:

- 12 1) The 2012 Court Order notes in detail I have PTSD caused by my work.  
13
- 14 2) The Washington State Legislature changed the law in 2018, allowing  
15 Multiple exposure PTSD to be a valid claim.
- 16 3) The new exposure caused by The Employer, Pierce County (for  
17 Subpoena, see **CP 163-165**).  
18

19 I agree I would not have a valid new claim if all three of these items did not  
20 occur. The laws for injured workers are prospective (looking forward) as is noted



1 in the *Yetter* case cited above.

2       Regarding the new exposure by Pierce County, I do not see in Pierce  
3 County's Response Brief where they address **RCW 51.08.013 – Acting in the**  
4 **Course of Employment.** This "means the worker acting at his or her employer's  
5 direction or in the furtherance of his or her or employer's business." When  
6 I had to act on receiving the Subpoena, regarding a quadruple homicide case, I did  
7 a substantial amount of work on, surely this is in furtherance of The Employer's  
8 business.

9       Pierce County notes in their Response Brief that The BIIA should not  
10 include Constitutional issues which his simply not true in that all Courts are  
11 required to abide by the **Supremacy Clause.** This requires this Court to wring the  
12 numerous wrongs that have been done and shown to this Court with Exhibits. The  
13 **Supremacy Clause** requires this Court to stand for Fundamental Fairs, equitable  
14 concerns, and holding lower Courts to be accountable for not only the changes in  
15 an RCW, but also evenly applying Court Rules. The rule of law should apply  
16 evenly to all people even if they represent themselves and it is blatantly obvious  
17 that The BIIA Court, and its Judge(s) have simply shown great bias against me.

1           **II. CONCLUSION:**

2  
3           For the reasons noted above the Appellant respectfully requests that The  
4  
5 Court reverse the Trial Court's ruling and grant the Claimant a valid claim for  
6  
7 PTSD dated June 7<sup>th</sup>, 2018, which is the date The Washington State Legislature  
8  
9 made multi-exposure PTSD a valid Claim for an Occupational Disease.

10  
11           It is a reprehensible that The BIIA Court is allowed to make such impactful  
12  
13 mistakes of law and not be held accountable. Some of these mistakes, such as not  
14  
15 even understanding an RCW, is unconscionable for any Judge. The blatant  
16  
17 favoritism for The Employer in almost every turn should be concerning to this  
18  
19 Court, but I have lived, and worked with this bias for four years, even when The  
20  
21 Employer, Pierce County committed Medicare Fraud, lied to L&I, and routinely  
22  
23 did not follow RCWs or Court Rules (i.e., CR 56 – 26 hours). (See CP 28-29 for a  
24  
25 copy of this CR), When I would point out clear violations of Court Rules to Judge  
26  
27 Leslie Birnbaum, even though she had opportunities to correct these errors, she  
28  
29 chose to violate the Court Rules. The extreme favoritism toward The Employer,  
30  
31 Pierce County, seems like the norm for The BIIA Court because when I have  
32  
33 routinely pointed this out to The BIIA Court, they not only did nothing, they  
34  
35 labeled me an "S" code, apparently a security risk, after the Court Reporter failed  
36  
37 to comply with my Subpoena for when Judge Leslie Birnbaum sounded  
38

1 intoxicated. I found emails via FOIA request(s) that show The BIIA Court worked  
2  
3 hand in hand with the Company that does transcription service for them, and had  
4  
5 meeting where I was to be discussed.  
6  
7  
8

9 **JUDGE NO LONGER WORKING FOR THE B.I.I.A. COURT:**

10  
11 I just found out on April 26<sup>th</sup>, 2023, that Judge Leslie Birnbaum is no  
12  
13 longer working for The BIIA Court. I found this out from a new Judge just had to  
14  
15 sit in for the Hearing for April 26<sup>th</sup>. We were told a new Judge would be hearing  
16  
17 the last two or three Hearings for the case currently still before The BIIA Court.  
18

19 Per a FOIA request, BIIA records emailed me that Judge Leslie Birnbaum's  
20  
21 Employment dates were:  
22

23 Agency Hire Date: 09/09/2015  
24

25 Separation Eff Date: 04/01/2023  
26

27 I previously found out via FOIA requests (emails) that Judge Leslie Birnbaum  
28  
29 was getting advice on several cases, including my cases. Since Judge Leslie  
30  
31 Birnbaum was a Judge for The BIIA Court for over seven and half years, then, why  
32  
33 was she getting advice from an apparently more experienced Judge roughly a year  
34  
35 ago (I do not have these emails handy). It does not make sense that a Judge with  
36  
37 six and a half years' experience would need advice on cases.  
38

1 I will likely be seeking counsel for this issue with Judge Leslie Birnbaum  
2  
3 sounding intoxicated, the extreme bias shown by Her Honor (even when I would  
4  
5 tell here during hearings and Her Honor would refuse to then follow the proper  
6  
7 times per Court Rules). Furthermore, the actions of The BIIA Court have been  
8  
9 vindictive toward me which is well documented.

10  
11 For what seems like two to three years, I have been trying to get a second  
12  
13 double fusion, above the current double fusion that was a career ending injury. In  
14  
15 this time-frame, I have had to get three MRIs because of medical delays and the  
16  
17 MRIs were not current. I have the new double fusion back surgery scheduled for  
18  
19 May 8<sup>th</sup>, 2023, which is one day before this Brief is due. I sometimes have as  
20  
21 many as three to five medical appointments per weeks, although I expect that to  
22  
23 decrease after this surgery. I am not sure what my condition will be after surgery  
24  
25 regarding my ability to work on this case and the case currently before The BIIA  
26  
27 Court.

28  
29  
30 **ACRONYMS FOR THIS REPLY BRIEF:**

31 The BIIA – The Board of Industrial Insurance Appeals

32 CP – Clerk's papers, with the bold pages on the bottom right of the CP

33 DRS – Washington State Department of Retirement Systems

1 FOIA – Freedom of Information Act

2 IME – Independent Medical Exam

3 L&I – Washington State Department of Labor and Industries

4 PTSD – Post-Traumatic Stress Disorder

5 CP will be noted as the **bold page numbers** The BIIA Court wrote bold page  
6 numbers on the bottom right (bates stamp) of the Clerk's Papers.

7  
8  
9 **III APPENDIX**

10  
11  
12 **Revised Exhibit #3:**

13  
14 **REVISION:** Includes page 7 of a Transcript from June 30<sup>th</sup>,  
15  
16 2022.where Judge Leslie Birnbaum notes, “a number of continuances,” (This is  
17  
18 as her apparent reason for NOT following CR 56. This is page four of four for  
19  
20 EXB #3.

21  
22  
23 **Exhibit #4:**

24  
25 Two pages of Transcript that show I was only allowed one day to prepare for Trial  
26  
27 Which is against Court Rules.

28  
29 **Exhibit #5:**

1  
2 The Litigation Order, the Amended Litigation Order, the Second Amended  
3  
4 Litigation Order, and the Third Amended Litigation Order.

5  
6 **Exhibit #6:**  
7

8 A copy of a Transcript from November 15<sup>th</sup>, 2021 that notes Judge Leslie forgot to  
9  
10 allow me to reply to Pierce County as she told I would have an opportunity to do  
11  
12 so at the start of the Hearing.

13  
14 **Exhibit #7:**  
15

16 A Transcript from a Telephonic Hearing on February 27<sup>th</sup>, 2023, where Judge  
17  
18 Leslie Birnbaum heard an objection from Pierce County, heard from The Assistant  
19  
20 Attorney General James Johnson, then ruled without letting me reply in any way.

21  
22 **Exhibit #8:**  
23

24 A Transcript from a Telephonic Hearing on November 15<sup>th</sup>, 2021 where Judge  
25  
26 Leslie Birnbaum refers to me as, "Mr. Curtis," instead of Mr. Wright.

27  
28  
29 **Exhibit #9:**  
30

31 Three pages of the Transcript from February 10<sup>th</sup>, 2022, that shows  
32  
33 Judge Leslie Birnbaum had a policy (different from a previous Judge)  
34  
35 that only a Medical Doctor could introduce medical records and Her  
36  
37 Honor wanted me to present my injury case before any medical  
38

1 documents were introduced. AAG James Johnson later agreed with me  
2  
3 and this was reversed.  
4

5  
6 **Exhibit #10:**  
7

8 The first page of the Transcript from February 10<sup>th</sup>, 2022 where Judge  
9  
10 Leslie Birnbaum dropped the two letters from the claim number.  
11

12 **SERVICE OF PAPERWORK:**

13 The paperwork includes this Reply Brief, The Addendums (Exhibits), and my  
14 Declaration.  
15

16 The Appeals Court:

17 I will mail a copy of this paperwork to Washington State Appeals Court via  
18 US Mail with a Tracking Number.  
19

20 The Respondent:

21 Via US Mail with tracking number. I will also the law office a courtesy  
22 copy via email.  
23

24 Washington State AAG James S. Johnson:

25 Per agreement, I will email AAG James S. Johnson documents.  
26  
27  
28

29 **Word count:** 5547 (Maximum word count for this document is 6,000).

1  
2  
3 **I DECLARE UNDER THE PENALTY OF PERJURY UNDER THE LAW**  
4  
5 **OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE**  
6  
7 **AND CORRECT.**

8  
9  
10 Dated this 3<sup>rd</sup> day of May, 2023.

11  
12 Respectfully submitted,

13  
14   
15 \_\_\_\_\_  
16 Curtis Wright, Pro se  
17  
18



**REVISED**

**EXHIBIT # 3**

**Appellant's Exhibit**

**CASE # 56979-5-II Washington State Appeals Court**

**A one-page transcript from July 30<sup>th</sup>, 2022,  
Where I noted I only had 26 hours to review  
The Employer's Interlocutory – when 5 days is required  
Per CR 56.**

*Pg. 4 of 4 FOR ALL EXHIBIT.*

**REVISION:** Includes page 7 of a Transcript from June 30<sup>th</sup>, 2022. where Judge Leslie Birnbaum notes, "a number of continuances," as her apparent reason for NOT following CR 56.

*EXB 3*

Pg. 1 of 4

1 PAGE

Floor TRANSCRIPT  
ON JUNE 30<sup>th</sup> 2022  
RET IN COMPLIANCE  
WITH CR 56.

EXB. 3

Pg. 2 of 4

JUDGE  
DID NOT  
CONFUSE  
WITH  
CASE

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27, 2022, with Exhibits 1 and 2.

I want to check in with the parties to make sure that that agrees with what documents that they -- that the parties submitted and received.

Mr. Pickels.

MR. PICKELS: Yes, Your Honor, that's consistent with what I have in my records.

JUDGE BIRNBAUM: Thank you.

Mr. Wright.

MR. WRIGHT: Yes, as I made the objection on the 27th, which is three days ago, this does not comport with the criminal rules that I have enough time to review this, and I would again bring up that issue, Your Honor.

JUDGE BIRNBAUM: Thank you for noting that for the record.

And I will note that we have had a number of continuances in this matter and all parties are able to put their objections to the schedule on the record.

Mr. Johnson.

MR. JOHNSON: The list of documents you described is what I have received and the Department did not submit any.

JUDGE BIRNBAUM: Thank you.

1 27, 2022, with Exhibits 1 and 2.

2 I want to check in with the parties to make  
3 sure that that agrees with what documents that  
4 they -- that the parties submitted and received.

5 Mr. Pickels.

6 MR. PICKELS: Yes, Your Honor, that's consistent with  
7 what I have in my records.

8 JUDGE BIRNBAUM: Thank you.

9 Mr. Wright.

10 MR. WRIGHT: Yes, as I made the objection on the 27th,  
11 which is three days ago, this does not comport  
12 with the criminal rules that I have enough time  
13 to review this, and I would again bring up that  
14 issue, Your Honor.

15 JUDGE BIRNBAUM: Thank you for noting that for the  
16 record.

17 And I will note that we have had a number of  
18 continuances in this matter and all parties are  
19 able to put their objections to the schedule on  
20 the record.

21 Mr. Johnson.

22 MR. JOHNSON: The list of documents you described is  
23 what I have received and the Department did not  
24 submit any.

25 JUDGE BIRNBAUM: Thank you.

**EXHIBIT # 4**

**Appellant's Exhibit  
CASE # 56979-5-II Washington State Appeals Court**

**Two transcript pages and emails showing one day to prepare  
regarding evidence for Trial.**

*ExB. 4*

*Page 1 of 7*

# EVIDENCE

1 Q. And was that transmitted to my office I should say by  
2 DigiStream?

3 A. Yes, sir.

4 Q. Was there any alterations or manipulations of the  
5 video that was captured on these dates before it was  
6 transmitted to my office?

7 A. No, sir.

8 Q. From your perspective, the video surveillance of  
9 Mr. Wright during these dates, are these genuine and  
10 authentic videos of the surveillance captured of  
11 Mr. Wright during these periods of time?

12 A. Yes, sir.

13 MR. BISHOP: Your Honor, I'd like to offer Exhibits 64  
14 and 65 into the record.

15 JUDGE BIRNBAUM: Any objections, Mr. Wright?

16 MR. WRIGHT: My objection is that I only had 24 hours,  
17 26 hours to review it when three days is  
18 required, Your Honor. Thank you.

19 JUDGE BIRNBAUM: Mr. Johnson, any objections?

20 MR. JOHNSON: No objections.

21 JUDGE BIRNBAUM: All right.

22 Because Mr. Wright's objection has to do with  
23 the time and the timing needed to observe, what  
24 I'm going to do is admit Exhibits 64 and 65 into  
25 the record as they have been authenticated;

Page 18

1 MR. BISHOP: I am just wondering if Dr. Bays'  
2 transcript has been completed to date. And if  
3 not, I would like to get a copy of it beforehand  
4 if we could.

5 JUDGE BIRNBAUM: And that's what I'm looking at right  
6 now. Just a minute. I believe it has. Just a  
7 minute, please. Yes. That transcript is  
8 available. Thank you. So I can make that  
9 available to Mr. -- make it available to  
10 everybody. Okay? Dr. Bays. Thank you for  
11 asking about that, Mr. Wright and Mr. Bishop.

12 Okay. So I think that we have wrapped up for  
13 today. The testimony for Mr. Barahona has been  
14 completed subject to recall based on Mr. Wright's  
15 request to review the video since he did not  
16 have -- he and Mr. Johnson did not have a lot of  
17 time to review this.

18 And there is no blame here, because this --  
19 it is difficult when there are exhibits that are  
20 videotape -- or audio, for that matter -- and I  
21 know the employer has made significant efforts to  
22 get them in the right format and did so  
23 yesterday. So I understand that there were  
24 technical problems and sometimes there are  
25 delays. So we'll work with that.

RE: Exhibits: Curtis E. Wright - Docket No. 2113048

From: Sandifer, Juanita (BIIA) (juanita.sandifer@biia.wa.gov)

To: cwright98371@yahoo.com; cbishop@wkmcbllaw.com; jamesj@atg.wa.gov;  
ba@wkmcbllaw.com; jada.brown@atg.wa.gov; ac@wkmcbllaw.com

Date: Tuesday, February 14, 2023 at 12:03 PM PST

Thank you for let us know Mr. Wright. Mr. Bishop will be having the video revised into MP4 and will resend them to you and to the Board.

Juanita Sandifer  
JA to Judges Birnbaum & Straume  
253/830-5102, Ext. 3100

**From:** Curtis Wright <cwright98371@yahoo.com>

**Sent:** Tuesday, February 14, 2023 10:33 AM

**To:** Chris Bishop <CBishop@WKMCLaw.com>; Johnson James S. (ATG) <jamesj@atg.wa.gov>; Sandifer, Juanita (BIIA) <Juanita.Sandifer@biia.wa.gov>; Brooke Anderson <ba@wkmcbllaw.com>; Brown, Jada J. (ATG) <jada.brown@atg.wa.gov>; Amanda Chatzigiannakos <ac@wkmcbllaw.com>

**Subject:** Re: Exhibits: Curtis E. Wright - Docket No. 2113048

External Email

Mr. Bishop (info for other email recipients),

I could not open them USBs as well so I took them to a nearby local computer shop and they could not open the USBs. I request your office provide me with a separate USB containing what "he wishes to show a portion(s) of the video at the hearing," as was written in the attached email from The BIIA Court.

Due to time constraints, I am emailing since a letter regarding the above issues would not get to Mr. Bishop's Office soon (especially since the Hearing is in two days).

Curtis Wright

Ex. 4 Pg. 4 of 7



On Tuesday, February 14, 2023 at 09:44:13 AM PST, Chris Bishop <[cbishop@wkmcbllaw.com](mailto:cbishop@wkmcbllaw.com)> wrote:

Thank you for the heads up. We will fix this issue as soon as possible.

Christopher A. Bishop

*Attorney/Shareholder*

503-224-8949 ex. 109 | 503-851-0028

503-224-0410 |  
[cbishop@wkmcbllaw.com](mailto:cbishop@wkmcbllaw.com)  
[www.wkmcbllaw.com](http://www.wkmcbllaw.com)



WALLACE KLOP-MANN  
CARPENTER & BISHOP, P.C.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND DELETE THIS MESSAGE WITHOUT MAKING A COPY.

ENG 4 Pg. 5 of 7

**From:** Almeida, Rosanne (BIIA) <[Rosanne.Almeida@bia.wa.gov](mailto:Rosanne.Almeida@bia.wa.gov)>  
**Sent:** Tuesday, February 14, 2023 8:43 AM  
**To:** Brooke Anderson <[BA@WKMCBLaw.com](mailto:BA@WKMCBLaw.com)>; Chris Bishop <[CBishop@WKMCBLaw.com](mailto:CBishop@WKMCBLaw.com)>  
**Cc:** Sandifer, Juanita (BIIA) <[Juanita.Sandifer@bia.wa.gov](mailto:Juanita.Sandifer@bia.wa.gov)>;  
[CWRIGHT98371@YAHOO.COM](mailto:CWRIGHT98371@YAHOO.COM); Johnson, James S. (ATG) <[JamesS.Johnson@atg.wa.gov](mailto:JamesS.Johnson@atg.wa.gov)>  
**Subject:** Exhibits: Curtis E. Wright - Docket No. 2113048  
**Importance:** High

Good morning,

Yesterday, I was notified by a staff member in our mailroom that the Board received 2 thumb drives and cover letter, indicating that the thumb drives are employer's proposed Exhibits 64 and 65 for the upcoming hearing on Thursday, February 16, 2023.

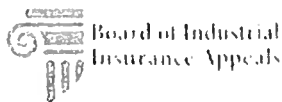
Our mailroom scanned the letter to the electronic file; however, the 2 thumb drives containing video surveillance could not be uploaded to the file because they are not in Mp4 format and therefore, not viewable.

Please ensure Mr. Bishop has the videos available if he wishes to show a portion(s) of the video at the hearing.

Feel free to reach out to Juanita Sandifer or myself if you have questions.

Sincerely,

**Rosanne Almeida**



**Rosanne Almeida (she/her)**

**Judicial Assistant to:**

**Judge Rene**

EXB. 4 Pg. 6 of 7

**Judge Stockman**

5712 Main ST SW, Suite 200

Lakewood, WA 98499

253-830-5102 Ext. 3101|855-586-5611|

[Rosanne.Almeida@bjia.wa.gov](mailto:Rosanne.Almeida@bja.wa.gov)

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. This message may contain confidential information and is intended only for the individual(s) named. If you are not the named addressee, please delete this email. You are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information may be unlawful.

*The BIIA's website has been updated to provide electronic filing of all pleadings and correspondence: [www.bjia.wa.gov/Filing.html](http://www.bjia.wa.gov/Filing.html). If you file electronically, no other filing is required. Do not fax or mail an additional copy. **Additional copies will be destroyed***

EXB. 4 pg. 7 of 7

**EXHIBIT # 5**

**Appellant's Exhibit  
CASE # 56979-5-II Washington State Appeals Court**

The Litigation Order, the Amended Litigation Order, the Second Amended Litigation Order, and the Third Amended Litigation Order.

**BEFORE THE BOARD OF INDUSTRIAL INSURANCE APPEALS  
STATE OF WASHINGTON**

**IN RE: CURTIS E. WRIGHT**

**DOCKET NO. 21 13048**

**CLAIM NO. SC-56363**

**LITIGATION ORDER**

**Appearances at September 8, 2021 conference:**

Claimant, Curtis E. Wright, Self-Represented

Self-Insured Employer, Pierce County, by Wallace Klor Mann Capener & Bishop, P.C., per Christopher Bishop for Schuyler T. Wallace, Jr.

Department of Labor and Industries, by Office of the Attorney General, per James S. Johnson

Status Conference	Date	Time	Location
All parties	12/6/2021	2-3 p.m.	Telephone

**Call-in Information for Status Conference:**

To join the conference call, please call: 1-855-962-1342, enter the passcode: 9987971#.

Discovery	Date
Completion	1/14/2021

Witness Confirmations	Date	File Electronically
Claimant	12/1/2021	
Employer	12/15/2021	
Department	12/15/2021	

Hearings	Date	Time	Location
Claimant	2/15/2022	9:30 AM-4:30 PM	Zoom
Employer	3/9/2022	9:30 AM-4:30 PM	Zoom
Department	3/9/2022	9:30 AM-4:30 PM	Zoom

\*If the Board is holding in-person hearings in February 2022 and March 2022, the parties may request an in-person hearing by emailing the industrial appeals judge by January 15, 2022.

**INSTRUCTIONS FOR DOCUMENTS AND EXHIBITS**

**Documents to be Referenced during the Hearing**

No less than three business days before the hearing, the party calling a witness must serve all other parties with copies of documents that will be referenced during direct examination of the witness. The documents must be placed in one packet and sequentially numbered so that the witness, the parties, and their lawyers have identical packets and can quickly locate each document without delaying the hearing. If any party intends to reference additional documents during cross examination, the additional documents must be placed in a separate packet, sequentially numbered, and served on all parties no later than one business day before the hearing. The party calling a witness is responsible for ensuring that the witness has copies of all of the document packets submitted by all of the parties. In order to facilitate this process, the parties are encouraged to stipulate to service of PDF copies of document packets and hearing exhibits via email.

1 **Exhibits to be Offered during the Hearing**

2  
3 It is not sufficient to email proposed exhibits to the Board. Any party intending to offer an  
4 exhibit into evidence during the hearing must scan and upload a PDF copy of the exhibit to the  
5 assigned judge via the *BIIA Internet Filing Portal* ([www.biia.wa.gov/Filing.html](http://www.biia.wa.gov/Filing.html)) no later than five  
6 working days before the hearing. Proposed exhibits need to be organized, marked as exhibits,  
7 numbered, and include page numbers, and provided to all parties. Documents must be legible. If a  
8 photograph or photocopy is submitted, please make sure that it is clear and readable. Any  
9 documents that are uploaded via the BIIA Internet Filing Portal that are not both marked for  
10 identification and offered for admission into evidence while on the record during the course of the  
11 hearing will be deleted from the Board's official record once all parties have rested.

12 Parties intending to offer an exhibit into evidence for admission during the hearing must **serve**  
13 **a copy of that exhibit, properly marked, on each opposing party no less than five business**  
14 **days** before the hearing. **Please provide an exhibit list electronically. Notify the industrial**  
15 **appeals judge if you intend to file more than 15 exhibits.**

16  
17 **EXTENSIONS/CONTINUANCES**

18 Requests for continuances or extensions of time must be in writing, supported by facts  
19 showing good cause.

20  
21 **FILING**

22 The BIIA's office hours are from 8 a.m. to 5 p.m. Communications received after 5 p.m. will  
23 be deemed filed the next business day. WAC 263-12-01501.

24 **Depositions:** File electronically using our website ([www.biia.wa.gov](http://www.biia.wa.gov)). During the COVID-19  
25 pandemic we have suspended the obligation to file a hard copy of depositions.

26 **All other documents** can be filed electronically using our website ([www.biia.wa.gov](http://www.biia.wa.gov)), or by  
27 fax, mail, or hand-delivery to the BIIA's Olympia office. Emailed documents will not be accepted.

28 Filing electronically is best because it ensures that documents are filed in the correct BIIA  
29 office, and you will receive confirmation when your document is successfully filed. No hard copy is  
30 necessary.

31  
32  
33 **ISSUE**

34 Between February 14, 2014 and February 4, 2021, did the claimant suffer an  
35 objective worsening of an accepted condition, or suffer a new condition, proximately  
36 caused by the industrial injury, within the meaning of RCW 51.32.160?

37  
38 **WITNESSES**

39  
40

Party	In Person
Claimant	Claimant
	1 unidentified medical witness
Employer	Dr. Patrick Bays
	1 unidentified medical witness
	3 unidentified lay witnesses

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**DEPOSITIONS FOR PERPETUATION OF TESTIMONY**

Testimony by deposition will not be allowed without my permission.

**VIDEO/TELEPHONE TESTIMONY**

**For hearings held by telephone or video:**

- The witness confirmation must specify whether the witness will testify via telephone or Zoom.
- All parties understand that video is not part of the BIIA record. See WAC 263-12-135.

**GROUND RULES**

The attached Ground Rules are incorporated by reference as part of this order.

Dated: September 30, 2021

*Leslie Birnbaum*

Leslie Birnbaum  
Industrial Appeals Judge  
Board of Industrial Insurance Appeals

**BEFORE THE BOARD OF INDUSTRIAL INSURANCE APPEALS  
STATE OF WASHINGTON**

**IN RE: CURTIS E. WRIGHT**

**DOCKET NO. 21 13048**

**CLAIM NO. SC-56363**

**AMENDED LITIGATION ORDER**

**Appearances at 3/9/2022 conference:**

Claimant, Curtis E. Wright, Self-Represented

Self-Insured Employer, Pierce County, by Wallace Klor Mann Capener & Bishop, P.C.,  
per Chris Bishop

Department of Labor and Industries, by Office of the Attorney General, per James S. Johnson

The Litigation Order dated 9/30/2021, is amended as shown below. All other provisions of  
the Litigation Order remain in effect, including the Ground Rules.

Status Conference	Date	Time	Location
All parties	6/30/2022	2:00 p.m.	Telephone

**Call-in Information for Status Conference:**

To join the conference call, please call: 1-855-962-1342, enter the passcode: 9987971#.

Discovery	Date
Completion	6/13/2022

Witness Confirmations	Date	File Electronically
Claimant	4/28/2022	
Employer	9/1/2022	
Department	9/1/2022	

Hearings	Date	Time	Location
Claimant	7/13/2022	11:00 a.m.-4:30 p.m.	Zoom
	7/20/2022	9:30 a.m.-4:30 a.m.	
Employer	10/6/2022	9:30 a.m.-4:30 a.m.	Zoom
Department	10/6/2022	9:30 a.m.-4:30 a.m.	Zoom

**FILING**

The BIIA's office hours are from 8 a.m. to 5 p.m. Communications received after 5 p.m. will  
be deemed filed the next business day. WAC 263-12-01501.

**Depositions:** File electronically using our website ([www.biaa.wa.gov](http://www.biaa.wa.gov)). During the COVID-19  
pandemic we have suspended the obligation to file a hard copy of depositions.

**All other documents** can be filed electronically using our website ([www.biaa.wa.gov](http://www.biaa.wa.gov)), or by  
fax, mail, or hand-delivery to the BIIA's Olympia office. Emailed documents will not be accepted.

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office, and you will receive confirmation when your document is successfully filed. No hard copy is  
necessary.

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### ISSUES

1. Between February 14, 2014 and February 4, 2021, did the claimant suffer an objective worsening of an accepted condition, or suffer a new condition, proximately caused by the industrial injury, within the meaning of RCW 51.32.160?
  - a. Between February 14, 2014, and February 4, 2021, did the claimant suffer an objective worsening of his lower back condition, causing foot drop and pain, numbness and weakness of his right leg and right knee, proximately caused by the industrial injury, within the meaning of RCW 51.32.160??
  - b. Between February 14, 2014, and February 4, 2021, did the claimant suffer a new condition, diagnosed as neuropathy, proximately caused by the industrial injury, within the meaning of RCW 51.32.160?

### WITNESSES

Party	In Person
Claimant	Claimant; Dr. R. Odell
Employer	Dr. Patrick Bays 1 unidentified medical witness 3 unidentified lay witnesses

### DEPOSITIONS FOR PERPETUATION OF TESTIMONY

Testimony by deposition will not be allowed without my permission.

Dated: March 9, 2022

*Leslie Birnbaum*

Leslie Birnbaum  
Industrial Appeals Judge  
Board of Industrial Insurance Appeals

**BEFORE THE BOARD OF INDUSTRIAL INSURANCE APPEALS  
STATE OF WASHINGTON**

**IN RE: CURTIS E. WRIGHT**

**DOCKET NO. 21 13048**

**CLAIM NO. SC-56363**

**SECOND AMENDED LITIGATION ORDER**

**Appearances at 5/24/2022 conference:**

Claimant, Curtis E. Wright, Self-Represented

Self-Insured Employer, Pierce County, by Wallace Klor Mann Capener & Bishop, P.C.,  
per Chris Bishop and Schuyler T. Wallace, Jr.

Department of Labor and Industries, by Office of the Attorney General, per James S. Johnson

The Litigation Order dated 3/9/2022, is amended as shown below. All other provisions of the Litigation Order remain in effect, including the Ground Rules.

**Reminders for Upcoming Deadlines and Hearings**

**Date**

BIIA will send email reminder for witness confirmation

5/31/2022

BIIA will send email reminder for Claimant's Summary Judgment  
Response and Motion Hearing

6/13/2022

BIIA will send email reminder for hearing

7/13/2022

**Motion for Employer's Summary**

**Date**

**Time**

**Location**

**Judgment Motion**

Response due

6/21/2022

Reply due

6/28/2022

**\*Motion Hearing**

6/30/2022

2 to 3 p.m.

By Telephone

**\*For the Summary Judgment Motion Hearing, please call 1-855-962-1342; enter the passcode 9987971#**

**Discovery**

**Date**

Completion

6/20/2022

**Witness Confirmations**

**Date**

**File Electronically**

Claimant

6/6/2022

Employer

9/1/2022

Department

9/1/2022

**Hearings**

**Date**

**Time**

**Location**

Claimant

7/20/2022

9:30 a.m. to 4:30 p.m.

By Zoom

Claimant

8/31/2022

9:30 a.m. to 4:30 p.m.

By Zoom

Employer

10/6/2022

9:30 a.m. to 4:30 p.m.

By Zoom

Department

10/6/2022

9:30 a.m. to 4:30 p.m.

By Zoom

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## FILING

The BIIA's office hours are from 8 a.m. to 5 p.m. Communications received after 5 p.m. will be deemed filed the next business day. WAC 263-12-01501.

**Depositions:** File electronically using our website ([www.biaa.wa.gov](http://www.biaa.wa.gov)). During the COVID-19 pandemic we have suspended the obligation to file a hard copy of depositions.

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Filing electronically is best because it ensures that documents are filed in the correct BIIA office, and you will receive confirmation when your document is successfully filed. No hard copy is necessary.

## EXHIBITS

### **Documents to be Referenced During the Hearing**

No less than three business days before the hearing, the party calling a witness must serve all other parties with copies of documents that will be referenced during direct examination of the witness. The documents must be placed in one packet and sequentially numbered so that the witness, the parties, and their lawyers have identical packets and can quickly locate each document without delaying the hearing. If any party intends to reference additional documents during cross examination, the additional documents must be placed in a separate packet, sequentially numbered, and served on all parties no later than one business day before the hearing. The party calling a witness is responsible for ensuring that the witness has copies of all of the document packets submitted by all of the parties. In order to facilitate this process, the parties are encouraged to stipulate to service of PDF copies of document packets and hearing exhibits via email.

### **Exhibits to be Offered During the Hearing**

Any party intending to offer an exhibit into evidence during the hearing must **serve a copy of that exhibit on each opposing party** no less than **three business days** before the hearing. Additionally, any party intending to offer an exhibit into evidence during the hearing must scan and upload a PDF copy of the exhibit to the assigned judge via the *BIIA Internet Filing Portal* ([www.biaa.wa.gov/Filing.html](http://www.biaa.wa.gov/Filing.html)) no later than one working day before the hearing. Any documents that are uploaded via the BIIA Internet Filing Portal that are not marked for identification, numbered consecutively, and offered for admission into evidence while on the record during the course of the hearing will be deleted from the Board's official record once all parties have rested.

## ISSUES

Between February 14, 2014 and February 4, 2021, did the claimant suffer an objective worsening of an accepted condition, or suffer a new condition, proximately caused by the industrial injury, within the meaning of RCW 51.32.160?

1. Between February 14, 2014, and February 4, 2021, did the claimant suffer an objective worsening of his lower back condition, causing foot drop and pain, numbness and weakness of his right leg and right knee, proximately caused by the industrial injury, within the meaning of RCW 51.32.160?

- 1 2. Between February 14, 2014, and February 4, 2021, did the claimant suffer a new  
2 condition, diagnosed as neuropathy, proximately caused by the industrial injury,  
3 within the meaning of RCW 51.32.160?  
4  
5 3. Between February 14, 2014, and February 4, 2021, did the claimant suffer a new  
6 shoulder condition, or an aggravation of a shoulder condition, proximately  
7 caused by the industrial injury, within the meaning of RCW 51.32.160?  
8

9 **WITNESSES**

Party	In Person
	Claimant
Claimant	Dr. R. Odell 1 unidentified medical witness
Employer	Dr. Patrick Bays 1 unidentified medical witness 3 unidentified lay witnesses

17 **DEPOSITIONS FOR PERPETUATION OF TESTIMONY**

18 Testimony by deposition will not be allowed without my permission.  
19

20 Dated: May 25, 2022  
21

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24 *Leslie Birnbaum*  
25 Leslie Birnbaum  
26 Industrial Appeals Judge  
27 Board of Industrial Insurance Appeals  
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**BEFORE THE BOARD OF INDUSTRIAL INSURANCE APPEALS  
STATE OF WASHINGTON**

**IN RE: CURTIS E. WRIGHT**

**DOCKET NO. 21 13048**

**CLAIM NO. SC-56363**

**THIRD AMENDED LITIGATION ORDER**

**Appearances at 6/27/2022 conference:**

Claimant, Curtis E. Wright, Self-Represented

Self-Insured Employer, Pierce County, by Wallace Klor Mann Capener & Bishop, P.C.,  
per Chris Bishop

Department of Labor and Industries, by Office of the Attorney General, per James S. Johnson

The Litigation Order dated 5/25/2022, is amended as shown below. All other provisions of  
the Litigation Order remain in effect, including the Ground Rules.

**Reminders for Upcoming Deadlines and Hearings**

**Date**

BIIA will send email reminder for witness confirmation and  
Summary Judgment oral arguments

6/29/2022

BIIA will send email reminder for discovery completion

8/5/2022

BIIA will send email reminder for claimant's hearings

8/24/2022

9/27/2022

BIIA will send email reminder for employer's hearings

9/29/2022

10/3/2022

10/11/2022

10/27/2022

**Motion for Employer's Summary  
Judgment Motion**

**Date**

**Time**

**Location**

**\*Motion Hearing**

6/30/2022

2 to 3 p.m.

By Telephone

**\*For the Summary Judgment Motion Hearing, please call 1-855-962-1342; enter the passcode  
9987971#**

**Discovery**

**Date**

Completion

8/12/2022

**Witness Confirmations**

**Date**

**File Electronically**

Claimant

6/30/2022

Employer

9/1/2022

Department

9/1/2022

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Hearings	Date	Time	Location
Claimant	8/31/2022	9:30 a.m. to 4:30 p.m. (specific time TBA on 6/30/2022)	By Zoom
Claimant	10/4/2022	10 a.m. to 1 p.m.	By Zoom
Employer and Department	10/6/2022	1:30 p.m. to 4:30 p.m.	By Zoom
Employer and Department	10/10/2022	1:30 p.m. to 4:30 p.m.	By Zoom
Employer and Department	10/18/2022	1:30 p.m. to 4:30 p.m.	By Zoom
Employer and Department	11/3/2022	1:30 p.m. to 4:30 p.m.	By Zoom

### FILING

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**Depositions:** File electronically using our website ([www.biaa.wa.gov](http://www.biaa.wa.gov)). During the COVID-19 pandemic we have suspended the obligation to file a hard copy of depositions.

**All other documents** can be filed electronically using our website ([www.biaa.wa.gov](http://www.biaa.wa.gov)), or by fax, mail, or hand-delivery to the BIIA's Olympia office. Emailed documents will not be accepted.

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### EXHIBITS

#### Documents to be Referenced During the Hearing

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#### Exhibits to be Offered During the Hearing

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ExB. 5

consecutively, and offered for admission into evidence while on the record during the course of the hearing will be deleted from the Board's official record once all parties have rested. Please mark each page of the proposed exhibit with the correct exhibit number and page number.

#### ISSUES

1. Between February 14, 2014 and February 4, 2021, did the claimant suffer an objective worsening of an accepted condition, or suffer a new condition, proximately caused by the industrial injury, within the meaning of RCW 51.32.160?
2. Between February 14, 2014, and February 4, 2021, did the claimant suffer an objective worsening of his lower back condition, causing foot drop and pain, numbness and weakness of his right leg and right knee, proximately caused by the industrial injury, within the meaning of RCW 51.32.160?
3. Between February 14, 2014, and February 4, 2021, did the claimant suffer a new condition, diagnosed as neuropathy, proximately caused by the industrial injury, within the meaning of RCW 51.32.160?
4. Between February 14, 2014, and February 4, 2021, did the claimant suffer a new shoulder condition, or an aggravation of a shoulder condition, proximately caused by the industrial injury, within the meaning of RCW 51.32.160?

#### WITNESSES

Party	In Person
Claimant	Claimant
	Dr. Charles Talakkottur
	1 unidentified medical witness
Employer	Dr. Patrick Bays
	1 unidentified medical witness
	3 unidentified lay witnesses

#### DEPOSITIONS FOR PERPETUATION OF TESTIMONY

Testimony by deposition will not be allowed without my permission.

Dated: June 27, 2022

*Leslie Birnbaum*

Leslie Birnbaum  
Industrial Appeals Judge  
Board of Industrial Insurance Appeals

EXB 5

**EXHIBIT # 6**

**Appellant's Exhibit  
CASE # 56979-5-II Washington State Appeals Court**

A copy of a Transcript from November 15<sup>th</sup>, 2021 that notes Judge Leslie Birnbaum forgot to allow me to Reply to The Employer as she said I would be allowed to do.



1 the issue into the record, and that's the only  
2 issue that I have to decide, and it is whether it  
3 is on the order that is before me that -- and I'm  
4 going to have it right before me, and it is it  
5 affirms -- the February 4, 2021, order affirms  
6 the denial of reopening that occurred on  
7 October 9, 2020. It's very limited.

8 Okay. I want to address our upcoming  
9 schedule, and, first, I want to make sure that  
10 everything is wrapped up. The motion is denied,  
11 the employer's cross-motions are denied, and  
12 there are no outstanding issues.

13 Mr. Wright, anything outstanding for the  
14 claimant that I have not addressed?

15 MR. WRIGHT: Sorry. I was on mute, your Honor. Yes,

16 I would just like to make a note that I was  
17 supposed -- you mentioned you would be given an  
18 opportunity after they said something to reply.

19 I was not given that. I could have noted that I  
20 went to the doctor repeatedly for the conditions,  
21 including the doctor that went to the fusion.  
22 They found a screw back out. So, I had to have  
23 that surgery. By then, I was in Montana. I went  
24 to a doctor there, but I was moving here, so I  
25 put that off. And in Montana, like I said, I had

Page 21

**EXHIBIT # 7**

**Appellant's Exhibit  
CASE # 56979-5-II Washington State Appeals Court**

A Transcript from a Telephonic Hearing on February 27<sup>th</sup>, 2023, where Judge Leslie Birnbaum heard an objection from Pierce County, heard from The Assistant Attorney General James Johnson, then ruled without letter me reply in any way.

ENB 7

Pg. 1 of 5

On February 27<sup>th</sup>, 2023, Judge Birnbaum ruled against me on an objection without allowing me to reply to the objection before her ruling.

The opposing party objected, AAG James <sup>Johnson</sup>~~Johns~~ joined the object, and the Judge ruled against me without allowing me to provide any response.

Numerous Judge Birnbaum has acted like I am not even a party in her Court. Her Honor has ignored me or made significant errors in favor of the opposing party.

The attached three pages of the **transcript** document this incident.

EXB 7

pg. 2 of 5

1 Can you see that?

2 A. Yes.

3 Q. You wrote in your report I did not report any shoulder  
4 or arm pain for a year and a half. Is that correct?

5 A. I would have to go back and look at my original  
6 report.

7 Q. This is kind of an important issue. I request that  
8 you do that, please.

9 A. Okay. It looks like that that's what I said, correct.

10 Q. Okay. And what does it look like I reported about my  
11 left arm?

12 MR. BISHOP: Your Honor, objection.

13 JUDGE BIRNBAUM: Yes, Mr. Bishop?

14 MR. BISHOP: Thank you, Your Honor.

15 So my objection is Mr. Wright's referring to  
16 documents that were not admitted into the record  
17 as well as handwritten notes that he put on the  
18 exhibit that he's showing himself. So  
19 authentication, hearsay, continuation of the same  
20 objections that I had to the exhibit being  
21 introduced into the record. Thank you.

22 JUDGE BIRNBAUM: Thank you.

23 Mr. Johnson?

24 MR. JOHNSON: I'll join in the employer's objection.

25 JUDGE BIRNBAUM: All right.

JUDGE

I'm going to sustain the objection.

Mr. Wright, there are handwritten notes there, and you can ask foundational questions, if you want, to explain if -- to lay a foundation for that handwritten portion. You can ask further questions and try again if you'd like or you can move on.

MR. WRIGHT: The foundation is that I provided Dr. Bays several documents which he notes, but he did not write down what I provided him. I provided him all these documents that note arm and shoulder pain. The employer has provided false information to Labor & Industries and the State of Washington that my left shoulder was not caused by this injury when it was.

And my point is --

JUDGE BIRNBAUM: Mr. Wright -- no. Mr. Wright, when I say "lay a foundation," what that means is that's giving information and direction to you that you can ask the witness further questions to lay a foundation. It does not provide you an opportunity to provide additional testimony. You are not providing the testimony. It is your questions on cross-examination to Dr. Bays that are appropriate at this time.

Page 14

1 MR. WRIGHT: Your Honor, I was not allowed to respond  
2 to the objection to the best of my knowledge. If  
3 you want to have the court reporter see -- read  
4 back my objection, I'd be more than happy. But I  
5 was not allowed to reply to the objection. Do I  
6 have an opportunity to reply to the objection?

7 JUDGE BIRNBAUM: You may put your response on the  
8 record, yes.

9 MR. WRIGHT: That's what I was doing. And I was  
10 trying to blend that with my question.

11 JUDGE BIRNBAUM: All right. I did not hear a  
12 question. I understand that you have put a  
13 response to the objection on the record. And  
14 that will be your response.

15 My ruling stands; however, I will still allow  
16 foundational questions.

17 BY MR. WRIGHT: My question for Dr. Bays is:

18 Q. Dr. Bays, do you remember this document that documents  
19 weakness in the left arm, and on the next page down it  
20 says "weakness in the left arm," about a third of the  
21 way down on the right? Do you remember me providing  
22 that document to you?

23 A. I don't recall that, no. But I'm not saying you did  
24 not. I just don't recall.

25 Q. So again you didn't provide a list of what documents I

Page 15

**EXHIBIT # 8**

**Appellant's Exhibit  
CASE # 56979-5-II Washington State Appeals Court**

A Transcript from a Telephonic Hearing on November 15<sup>th</sup>, 2021 where Judge Leslie Birnbaum refers to me as, "Mr. Curtis," instead of Mr. Wright.

EXB 8

JUDGE LESLIE BIRNBAUM CALLED ME ~~MR. CURTIS~~  
INSTEAD OF MR. WRIGHT

1                   2021. This summary judgment motion hearing is  
2                   occurring before me, Industrial Appeals Judge  
3                   Leslie Birnbaum, scheduled to begin at  
4                   10:00 a.m., now beginning at 10:01 a.m.

5                   This is the claimant's appeal from a  
6                   Department order dated February 4, 2021,  
7                   affirming the denial of his reopening  
8                   application. The parties stipulated to the  
9                   jurisdictional history on May 19, 2021. This is  
10                  the claimant's motion for summary judgment. The  
11                  claimant, Mr. Curtis Wright, is representing  
12                  himself. Good morning, Mr. Curtis.

13               MR. WRIGHT: Good morning, your Honor.

14               JUDGE BIRNBAUM: The employer, Pierce County, is  
15               represented by Mr. Joseph Pickels from Wallace  
16               Klor Mann Capener & Bishop. Good morning,  
17               Mr. Pickels.

18               MR. PICKELS: Good morning, your Honor.

19               JUDGE BIRNBAUM: The Department of Labor & Industries  
20               is represented by the Office of the Attorney  
21               General by Assistant Attorney General James  
22               Johnson. Good morning, Mr. Johnson.

23               MR. JOHNSON: Good morning.

24               JUDGE BIRNBAUM: At this time, I want to thank  
25               everyone for appearing promptly, and please feel



## **EXHIBIT # 9**

**Appellant's Exhibit**

**CASE # 56979-5-II Washington State Appeals Court**

Three pages of the Transcript from February 10<sup>th</sup>, 2022, that shows Judge Leslie Birnbaum had a policy (different from a previous Judge) that only a Medical Doctor could introduce medical records and Her Honor wanted me to present my injury case before any medical documents were introduced. AAG James Johnson later agreed with me and this was reversed.

*ExB-9*

Pg. 1 of 4

1           That's what I was going to do. Thank you. I  
2           appreciate the notification.

3           JUDGE BIRNBAUM: And from time to time I know that  
4           parties can talk outside of my presence and to  
5           agree to receive certain things electronically,  
6           but that's entirely up to you, Mr. Bishop, and  
7           Mr. Johnson.

8           Okay. Now, so I understand that you're  
9           going to be filing a request for a continuance  
10          based on the unavailability of your witness,  
11          Mr. O'Dell -- Dr. O'Dell.

12          MR. WRIGHT: Yes, Your Honor, that is correct.

13          JUDGE BIRNBAUM: And we have our hearing which is  
14          coming up --Let me just make sure I have got  
15          everything, and it's coming up quite quickly.  
16          Just a minute, please. I am just looking at our  
17          litigation order. Thanks for your patience,  
18          everyone. February 15.

19          So Mr. Wright, I understand that Dr. O'Dell  
20          was not your only witness. You're going to  
21          testify as well, right?

22          MR. WRIGHT: Yes, Your Honor, but I -- you told me I  
23          could not proceed without a medical witness, so I  
24          didn't do my exhibits since I can't proceed. He  
25          isn't available the following day either. That

Page 11

1 introduce medical exhibits without objection, so  
2 no matter what, your testimony could never have  
3 medical exhibits that were admitted. I'm trying  
4 to give you very straightforward directions about  
5 that.

6 Dr. O'Dell or any other doctor that you call  
7 as a witness will have the opportunity -- you  
8 will have the opportunity to admit medical  
9 exhibits through your medical witness, but we can  
10 still take your testimony on the 15th, and that's  
11 what I plan to do on Zoom at 9:30 a.m. Does that  
12 time still work for you?

13 MR. WRIGHT: No, it's not. No, it does not based upon  
14 what you told me and what Judge Redford told me.  
15 I cannot get my exhibits done within that time  
16 frame, and previously I have explained that I  
17 needed more time due to my PTSD. Apparently if  
18 anybody read that 2012 court order, you'd  
19 understand I have issues with memory and  
20 functioning, even some simple tasks, and I have  
21 provided details and numerous incidents where I  
22 have had as many as five medical appointments per  
23 week.

24 The employer, on the other hand, is  
25 routinely granted extensions, so I am not ready

1 to proceed because I don't have my exhibits done,  
2 but Your Honor is going to do what Your Honor  
3 wants to do, but I have experienced this, so if  
4 you want to dismiss it, that's up to you. But I  
5 will be providing your court with a request which  
6 will be done either tomorrow or at the latest by  
7 Sunday, so I will get that done as soon as  
8 possible.

9 JUDGE BIRNBAUM: Okay, and I will address your  
10 request, and like I said, we will be able to -- I  
11 will be able to address your request on the 15th  
12 and look at other dates for your medical witness,  
13 but your testimony I will take on the 15th, just  
14 as we had planned. That's what I am saying.

15 MR. WRIGHT: Okay. Your Honor, I can't produce my  
16 exhibits within that time period, and that is why  
17 I sent the e-mail. If I had known that even by,  
18 say, two or three days ago, I could have produced  
19 that, but I obviously didn't know what you were  
20 going to say today until today, so I object to  
21 that ruling, but I suppose you can rule on the  
22 paperwork I will be providing to you -- to the  
23 court.

24 JUDGE BIRNBAUM: Mr. Wright, you will have the  
25 opportunity to submit medical exhibits through

**EXHIBIT # 10**

Appellant's Exhibit

CASE # 56979-5-II Washington State Appeals Court

The first page of the Transcript from February 10<sup>th</sup>, 2022 where Judge Leslie Birnbaum dropped the two letters from the claim number.

EtB. #10

Pg. 1 of 2

BEFORE THE BOARD OF INDUSTRIAL INSURANCE APPEALS

STATE OF WASHINGTON

IN RE: CURTIS E. WRIGHT ) DOCKET NO. 2113048  
 )  
 )  
 )  
 )  
 CLAIM NO. SC-56363 ) TELEPHONICALLY  
 ) FEBRUARY 10, 2022

LESLIE BIRNBAUM, Industrial Appeals Judge  
(Scheduled 3:00 p.m.) (Actual 3:08 p.m.) (End 3:38 p.m.)

APPEARANCES:

Claimant, Curtis E. Wright,  
Pro Se

Employer, Pierce County, by Wallace, Klor, Mann, Capener &  
Bishop,  
per Christopher A. Bishop, Attorney at Law

Department of Labor and Industries, by  
The Office of the Attorney General, per  
James S. Johnson, Assistant

\* \* \* \* \*

JUDGE BIRNBAUM: Good afternoon. This is a status  
conference in the matter of Curtis E. Wright, Docket  
Number 2113048, Claim Number 56363.

The status conference is being held pursuant to due  
and proper notice to all interested parties, and we are  
present by telephone. I am in Tacoma, Washington. My name  
is Leslie Birnbaum. I'm the Industrial Appeals Judge  
conducting these proceedings.

Today's date is Thursday, February 10, 2022. The time  
is now 3:08. This conference was scheduled to begin at

Page 1

WASHINGTON STATE APPEALS COURT

Division II

Petitioner: Curtis Wright

Claimant (pro se)

No: 56979-5, II

Respondent:

**DECLARATION**

Pierce County Risk Management,

Tacoma, WA

**Declaration with Sworn Statement  
Language Included.**

**Personal information**

Name: Curtis Wright

501 Nightingale PL

Las Vegas, NV 89107

Phone 253-606-1522

Email: cwright98371@yahoo.com

All of the information I have provided Pierce County, The Washington State Department of Labor and Industries, The WA State Board of Industrial Insurance, Pierce County Superior Court, and **Washington State Appeals Court** is true and correct. All of the documents I have provide these agencies are legitimate and correct. The documents came from where I note they came from.

1  
2 All of my statements, both verbal and written regarding all of my work injuries are true  
3 and correct.  
4

5 This Declaration is for Washington State Appeals Court regarding Pierce County's  
6 Superior Court's denial of my Appeal of The Board of Industrial Insurance Appeals Order.  
7 This Declaration includes what I have written and what I am still writing in my paperwork  
8 to The Washington State Appeals Court regarding my **REPLY BRIEF**, and any related  
9 paperwork. This case is from Pierce County Superior Court, cause # 22-2-05097-2 that  
10 originated from The Board of Industrial Insurance Appeals, Docket # 21 14537 (and  
11 previously Claim # SE 64111 from Washington State Dept of Labor and Industries).  
12

13 I declare under penalty of perjury under the laws of the state of Washington that the facts I  
14 have provided on this form are true.

15 Signed at (city and state): LAS VEGAS NV Date: 4/6/2023

16 

17 Sign here

18 CURTIS WRIGHT

19 Print name  
20  
21  
22  
23  
24

25 State of Nevada  
26 Clark County

27 SWORN before me, this day on April, 6<sup>th</sup> of 2023.

28 By Curtis Elliot Wright  
29  
30  
31

32   
33 NOTARY PUBLIC

34 My commission expires 4/15/2024  
35  
36  
37

